



Zoning & Planning Committee **Report**

City of Newton **In City Council**

Wednesday, December 11, 2019

Present: Councilors Albright (Chair), Danberg, Baker, Krintzman, Brousal-Glaser, Downs, Leary

Absent: Councilor Kalis

Also Present: Councilors Laredo, Crossley, Kelley, Greenberg, Norton, Gentile, Markiewicz;
Councilors-Elect Wright, Ryan, Malakie

Planning Board: Peter Doeringer

City Staff: Barney Heath Director of Planning; Jennifer Caira, Deputy Director of Planning; Zachery LeMel, Chief of Long Range Planning; Nathan Giacalone, Committee Clerk

#204-19 **Review and possible amendment of Demolition Delay and Landmark Ordinances**
COUNCILORS KELLEY, ALBRIGHT, AUCHINCLOSS, COTE, CROSSLEY, GREENBERG, KALIS, KRINTZMAN, LAPPIN, LEARY, LIPOF, MARKIEWICZ, NORTON, AND SCHWARTZ requesting a review and, if appropriate, an update of Chapter 22, Sections 22-50 to 22-76 that relate to demolition delays, historic designation, and landmarking

Zoning and Planning Held 8-0 on 10/28/19

Action: **Zoning and Planning Held 6-0 (Councilor Leary not voting)**

Notes: The Chair said that a working group had been formed to address the docket item and that an email had been sent to the co-docketers inviting them to join the working group. She said that the working group has been reviewing the redlined version of the ordinance prepared earlier by Kay Kax Holmes and that its work is expected to be completed in late January or early February. The Chair clarified that the invitation was still open to the Councilors to join. When a draft is completed it will be brought back to the full Zoning and Planning Committee for review.

Councilor Krintzman made a motion to hold docket item #204-19 and the Committee voted 6-0 in favor of the motion (Councilor Leary not voting).

#437-19 **Appointment of Amanda Stauffer Park to the Newton Historical Commission**
HER HONOR THE MAYOR appointing Amanda Stauffer Park of 16 Regent Street, West Newton, as a member of the NEWTON HISTORICAL COMMISSION for a term to expire on December 31, 2022.

Action: **Zoning and Planning Approved 7-0**

Notes: The Chair invited Ms. Park to join the Committee to explain why she was interested in serving on the Newton Historical Commission. Ms. Park answered that she earned her Masters' Degree in historic preservation with a focus on architecture conservation. For 15 years, she has been an architectural conservator and has worked across the country. Ms. Park said that she wanted to be on the Commission for two reasons. The first is that she said she has a knowledge of many building materials along with a background in planning. The second is that as a resident of Newton, Ms. Park said that she was excited about the opportunity service on this Commission would provide her to learn more about Newton's historical buildings. Both these qualities she said would help the Newton Historical Commission with its objectives.

A committee member thanked Ms. Park for willing to serve on the Commission and offer her expertise. Councilor Brousal-Glaser motioned to approve the appointment of Ms. Park. The Committee voted 7-0 in favor of the motion.

#363-19 **Amendment(s) to Chapter 30 relative to building efficiencies**
DIRECTOR OF PLANNING & CO-DIRECTORS OF SUSTAINABILITY requesting discussion and adoption of amendments to Chapter 30, the Newton Zoning Ordinance to create exemptions to building envelope standards such as height and setback to facilitate the implementation of energy efficiency and alternative energy measures in buildings including external insulation, doorway vestibules, heat pumps, and solar panels among other features.

Zoning & Planning Held 8-0 on 11/25/19

Public Hearing Closed 8-0 on 11/25/19

Action: **Zoning and Planning Approved 7-0**

Notes: Zachery LeMel, Chief of Long Range Planning, addressed the Committee on this item. Mr. LeMel said that the Planning Department has done the additional analysis it was requested to do regarding the exemptions to installing energy efficient improvements and that he would speak on how the changes related to each section. He addressed whether there should be a change to the rules for heat pump compressors and Mr. LeMel said that the Planning Department left them unchanged as they felt changing the rules would be prohibitive to heat pump installation. The next point related to exterior installation and its eight-inch projection into the setback. Mr. LeMel said that there were conversations with Green Newton and other professionals and that Planning was confident that the eight inches would not inhibit retrofits or new construction. The third piece related to doorway vestibules. There was a change in this point which said that they could intrude into the setback only if they remained in the five-foot setback. The fourth piece referred to roof overhangs and fixed an oversight in the relationship between gutters and roof overhangs so that now they equal the roof overhang. The final piece

was whether or not changes in gross floor area should apply to new construction or not. Mr. LeMel said that after consultation with the Law Department, Planning did not want to distinguish between new and existing buildings. He then asked for questions from the Committee.

A committee member expressed their concern at allowing the setbacks to remain “open territory” to heat pumps and similar pieces of equipment, citing neighbor disagreements which involved large pieces of hardware such as pool-filtration systems placed against the property line. The committee member proposed to add text which stated that they are not able to project more than four feet into the setback.

A committee member supported this proposal, adding that the Committee and City Council could create a waiver by special permit in cases where this limitation prohibited installation of a heat pump.

A committee member added that heat-pumps require several inches between the unit and the wall of the house for airflow, maintenance, and other purposes. They asked if special permits could be incorporated in cases where the larger units fell into this category.

A councilor asked how this proposed limit would impact properties with small lots as this could potentially prohibit some from installing heat pumps. They said that while there is a minimum distance for these units to be away from the structure, they also need to be as close as possible in order to minimize the pipe runs. They added that if homeowners are prevented from installing heat pumps on the ground, then they will be forced to mount them on their walls if they still want them, which was described as a visually unappealing option for the community.

A committee member said that while they acknowledge the committee member’s prior concerns, they were concerned that too much limitation on their installation would make heat pumps unfeasible in many lots. They wanted to know how many residents this restriction would inconvenience. Barney Heath, Director of Planning, answered this question and said that this would apply to many properties in Newton as they have little in terms of side setbacks. Mr. Heath emphasized that the goal was to encourage residents to install heat pumps and said that it was unlikely that they would be placed near the boundary line except in cases with small setbacks. More likely, Mr. Heath said, was that they would be installed close to the structure and that their sound was far less than that of a window air conditioner.

A committee member asked if any setback would be required for heat pumps as they could, in theory, be installed right against the property line without such a restriction in place. A councilor answered that three feet was the minimum needed to incorporate the six inches at the back of the unit and emphasized that they would be installed as close as possible due to the refrigerant lines.

A councilor asked Mr. Heath if it could be required that heat pumps be a certain distance from the house and for small lots it can be avoided if possible, to keep the equipment from being right

on the edge of the property. This could only be encroached upon if there were no other options ready.

A councilor said that they would be more comfortable with this limit in place for new construction as it would be able to adapt more easily. They would prefer to see this relief granted to existing construction which needs the relief more. They said that this encroachment would only be necessary where required by special limitations.

A committee member said that the amendments should retain flexibility for older construction to move towards the goal of installation of ground-based heat pumps over unsightly window mounted AC units. This could require allowing an encroachment of side setbacks to keep this a feasible choice.

The Chair called for a straw vote to gauge how the Committee felt about the setback recommendation and the result was 5 in favor, 2 opposed, demonstrating support of the five-foot recommendation.

Councilor Baker proposed an amendment which stated that heat pump compressors would protrude no more than five feet from the house. The Committee voted 6-1 in favor of the amendment, with Councilors Albright, Danberg, Baker, Brousal-Glaser, Leary, and Downs voting in favor and with Councilor Krintzman voting against.

A councilor asked if the language could be more generic to allow for easier introduction of comparable future technologies. Jennifer Cairra, Deputy Director of Planning, answered that if the language were to be made more generic, the parameters would have to remain specific as many of these decisions would be made by Inspectional Services and that department would need to know what to consider as comparable technologies. A councilor answered that if future technologies are introduced, then the language will be easily amended should the time come.

The Chair called for a straw vote to gauge how the Committee felt about Councilor Krintzman's proposed amendment to put more generic language for the equipment in the final language. The Committee voted 2-4-1 in favor of the motion, demonstrating the preference of the Committee to retain the existing language.

A committee member asked how this language regarding the overhang and gutters could impact new construction in the City and how it would impact efforts to make residences more solar-effective. A councilor answered that most zoning practices already allow ornamental features and similar architectural features from setback requirements. One example is the *brise-soleil* design feature which maximizes solar heat gain in the winter and minimizes it during the summer. They said that these types of ornamentation need not be restricted.

Councilor Krintzman moved approval of docket item #363-19. The Committee voted 7-0 in favor to approve and the motion carried.

#165-19 Adoption of Washington Street Vision Plan as part of the Comprehensive Plan
DIRECTOR OF PLANNING requesting approval and adoption of the Washington Street Vision Plan as an amendment to the 2007 Newton Comprehensive Plan.
Zoning and Planning Approved 6-0-1 (Councilor Kalis abstaining, Councilor Downs not voting) on 11/07/19
City Council referred back to Zoning and Planning by Voice Vote on 12/02/19
Action: Zoning and Planning Approved 6-0-1 (Councilor Baker abstaining)

Notes: Ms. Caira presented the Planning Memo to the Committee which incorporated suggestions of the Council into amendments for the Vision Plan presented in the December 6th Planning Memo. Ms. Caira said that many of the comments received addressed building height. She clarified that the height map provided was not a zoning regulation map and explained that at this stage, the plan represents guiding principles with the main details to be developed via the zoning process at a later date. Other comments received addressed parking and eliminating parking minimums. Ms. Caira said that the amendment would change to consideration of the reduction or elimination of the parking minimum. Other comments received supported a push for smaller, more affordable units to be developed. The revision also covered the Plan's commitment to variations of the building heights to promote a sense of organic growth over time. Regarding Mass Pike Air Rights, Ms. Caira explained that the reduction of height limits makes it less likely that developers will consider decking over the Pike, but the option remains under study. The Plan would also explore a boulevard design for Washington Street and study how this would be done. The Memo provides a table of the proposed changes on its page five.

A committee member asked to discuss in greater detail both the stepdown height transitions of buildings into the residential neighborhoods as presented on the Vision Plan map and how confident the City was that the streets would be able to effectively handle the increased traffic the project would generate.

A councilor asked why the section about air rights relating to the Mass Pike was being left in the Vision Plan after Planning acknowledge how unrealistic decking over the Pike would be in the foreseeable future. They continued that even if it is just a vision plan, it should be specific enough to show residents what they can expect to see in their community. Ms. Caira acknowledged that this is a "big idea" that will be difficult to accomplish but could result in a high payout for the City if achieved so it was left in as a long-term goal. She answered another of the councilor's questions about the details presented in the plan as the use of a Vision Plan as a general road map rather than an abundance of specific details. The councilor asked to be presented with a more detailed analysis of the Vision Plan's benefit to the City's pension system in the future.

A councilor asked why the maximum heights presented in the Vision Plan map are on the edges of the development rather than in the center. They said that most of the properties are owned by two owners and neither of them believe limiting the heights to four stories in the center will spur development and could possibly hinder them selling the buildings and exacerbate the sense

of decline felt in West Newton. They were also concerned that the Plan does not have a gentle enough transition for the neighborhoods.

A councilor concurred with the previous concern about height placements. They said that based on similar plans changed elsewhere in the City, nothing in the Vision Plan is permanent even if it is passed. They also felt that the tallest heights should be in the center of the Plan and were concerned that the height transitions into the residential neighborhoods were not subtle enough.

A councilor emphasized that despite the difficulties presented discussing the plan at present, the hardest part will come when the plan moves into the details rather than the broad vision. They commented that the community needed to be flexible enough to look at bigger buildings. However, they emphasized that any large buildings presented would have to be attractive and contribute to a more vibrant and walkable village center.

A councilor stated that they wanted to emphasize that even though it is only considered a Vision Plan, similar plans are often used to justify more concrete initiatives and projects. They also brought up surveys done by the Newtonville Area Council and the principal group which said that most residents only wanted to see buildings of four stories or less, with a majority of respondents living within the immediate area. The councilor then said that they felt it irresponsible to keep any reference to decking over the Pike from the Vision Plan, saying that it is too unrealistic. They also expressed skepticism at whether the community infrastructure could handle the large amount of housing units the plan would construct.

A committee member emphasized the desire of residents to maintain the historic character of the village centers as one possible reason behind keeping the tallest buildings out of the center.

A councilor concurred with the point that comprehensive and vision plans are often cited for real world projects and that the details matter greatly at this stage. They cited historical examples of taller buildings that were accepted in the community such as high church steeples and courthouses. They emphasized the need to carefully consider the details written into the Vision Plan.

A councilor asked about a datapoint which listed thousands of new jobs and residents added via this project. Mr. Heath answered that this estimate was based off a maximum assessment which assumed every parcel was developed as much as it possibly could be. They also talked about a second datapoint which would balance the historical character of neighborhoods and not putting too much regulatory burdens on landlords which would prohibit development.

A committee member spoke about the language regarding the parking minimums and desired that the language be amended to include exploring a parking maximum.

A committee member expressed support for the Vision Plan and felt that any challenges that arise can be handled. They also supported both the Planning Amendments and the parking maximum.

The chair suggested that specific numbers of stories be taken out of the height maps to move the Vision Plan forward out of committee. They said that this would allow more detail-oriented work to begin in January. A committee member asked what specific criteria would be left in to describe heights if the specific number of stories were taken out.

A councilor responded that they were uncomfortable removing any reference to heights, emphasizing that many of the residents in the area have objected to tall buildings in their community. The chair acknowledged the useful reference provided by the Area Council surveys but questioned their scientific reliability for use in discussions. Another councilor concurred that most of the residents living close to the proposed development area do not want tall buildings in their neighborhood and wanted the specific numbers of stories to remain in the plan.

A councilor expressed doubt at how much the State and the MBTA would assist with the project despite the increased number of riders projected.

A committee member said that as buildings are constructed, their heights will impact what the properties around them are able to build up to. They described a traffic study they conducted demonstrated that 70 percent of the traffic in Newton is due to through-traffic between Route 128 and the Mass Pike, not from local residences and businesses.

A councilor asked why there was so much talk about possible six-story buildings and whether there was any analysis done to determine if six stories was an economic necessity for the project. The chair responded that no such study had been done yet but that it could be researched.

A committee member emphasized that many constituents have said that they wish for their lower scale village atmospheres to remain. A Councilor reminded the members while there are some residents concerned about six stories there are others who are unconcerned

A councilor answered that part of their objection is that it is not a city-wide plan for raising the height, but that it is only focused on the area of the project. They said that with other large developments coming in such as a 40B project and at least one marijuana dispensary, the residents have enough with large construction and want it capped at four stories.

A committee member pointed out existing examples across the City of five story buildings that have blended into their communities. They also cited that in the past, three- and four-story buildings were far more common in Newton but were later torn down due to tax policy which taxed based on the number of stories.

A councilor said that with any parcel along the Washington Street corridor, if a developer did not want to deal with the City's already lengthy approval process, then the City may be faced with more 40B projects which it has little say in the direction of. They said that a greater height limit could reduce the risk of this.

The chair called for a straw poll to see if the committee was in favor of limiting the cap to four stories and only one committee member answered the affirmative. A second straw poll for a limit of five stories drew the same result, demonstrating that the committee was favorable of the six-story cap. A third straw poll showed that only two committee members were in favor of taking the numbers for minimum and maximum story height out of the Vision Plan.

Councilor Baker proposed an amendment to clarify that the redesign of Washington Street into a boulevard would be capable of accommodating the new traffic it would generate. A committee member emphasized the need not to redevelop the street in such a way that fails to encourage alternative modes of transport but rather single occupancy vehicles. Mr. Heath said that Planning would attempt to write such an amendment. The Committee voted 7-0 in favor of Councilor Baker's amendment.

Councilor Downs motioned to accept the changes proposed in the chart on page 5, with the addition of the language of parking maximums. The Committee voted 7-0 in favor of the motion.

Councilor Downs motioned to lower the heights of the buildings on the western edge of the project in the map and to put on the names of the streets. The Committee voted 7-0 in favor of the map changes.

Councilor Gentile requested that on page 87 of the document, that it be specified that projects over 20,000 square feet require a special permit. Ms. Caira answered that they already do. The Chair asked the Committee if there were any objections to Councilor Gentile's request and there were none.

A councilor said that they had hoped the Vision Plan would remain in committee longer to allow more time to research some of the outstanding points of contention and what amendments may need to be added. They answered an earlier concern of offloading this onto the councilors-elect and said that they saw them at plenty of meetings and were confident that they would be able to jump into the process upon the beginning of the new term.

Councilor Leary motioned to approve docket item #165-19. The Committee voted 6-0-1 to approve the motion (Councilor Baker abstaining).

The meeting adjourned at 9:51 PM.

**Respectfully Submitted,
Susan S. Albright, Chair**

1.5. Rules of Measurement

1.5.3. Setback

- A. **Defined.** A line equidistant from the lot line which establishes the nearest point to the lot line at which the nearest point of a structure may be erected. In the case of a corner lot, the rear lot line shall be the lot line opposite the street on which the main entrance is located.
- B. No building need be set back more than the average of the setbacks of the buildings on the nearest lot on either side, a vacant lot or a lot occupied by a building set back more than the required distance for its district to be counted as though occupied by a building set back such required distance. Averaging applies only to the front setback. In no case shall any part of a building in a residence district extend nearer the street line than 10 feet.
- C. Distances shall be measured from the lot lines to the nearest portion of the structure, ~~including outside vestibule or porch.~~
- D. The following structures may project into the setback:
 - 1. Steps, landings and bulkheads; ~~may project into the setback.~~
 - 2. Heat pump compressors, provided that if any portion of the heat pump compressor is located within the setback, the heat pump compressor may not be located more than 5 feet from the exterior wall of the primary structure;
 - 3. Exterior insulation may project up to 8 inches;
 - 4. Doorway vestibules may project up to 4 feet with a width no greater than 6 feet, provided a minimum setback of 5 feet is maintained;
 - 5. ~~Gutters, cornices~~Cornices, projecting eaves exterior window shades and ornamental features ~~may project up to 2 feet; and into the setback.~~
 - 6. Roof overhangs and gutters may project up to 3 feet.

1.5.4. Height

- A. **Defined:**
 - 1. The vertical distance between the elevations of the average grade plane and the highest point of the roof. Not included in such measurements are:
 - a. Cornices which do not extend more than 5 feet above the roof line;
 - b. Chimneys, vents, ventilators and enclosures for machinery of elevators which do not exceed 15 feet in height above the roof line;
 - c. Enclosures for tanks which do not exceed 20 feet in height above the roof line and do not exceed in aggregate area 10 percent of the area of the roof;
 - d. Solar panels which do not extend more than ~~1 foot~~4 feet above the ridgeline or in the case of a flat roof, no more than 4 feet above the parapet, unless greater extensions are allowed by special permit; and
 - e. Towers, spires, domes and ornamental features.

1.5.5. Floor Area

A. Floor Area Ratio.

1. The gross floor area of all buildings on the lot divided by the total lot area.
2. FAR tables can be found in Sec. 3.1.9 and Sec. 3.2.11.

B. Floor Area, Gross.

1. **Residential Districts.** The sum of the floor area of all principal and accessory buildings whether or not habitable shall be taken from the exterior face of the exterior walls of each building without deduction for garage space, hallways, stairs, closets, thickness of walls, columns, atria, open wells and other vertical open spaces, or other features as defined in this Sec. 1.5.5, as defined below:
 - a. Gross floor area shall include:
 - i. First and second stories;
 - ii. Any floor area above the second story, whether finished or unfinished, that meets all of the following criteria:
 - a. It lies below the area of a horizontal plane that is 5 feet above it and which touches the side walls and/or the underside of the roof rafters;
 - b. Is at least 7 feet in any horizontal dimension, as measured within the area having a wall height of 5 feet or more;
 - c. Has a minimum ceiling height of 7 feet on at least 50 percent of its required floor area; and
 - d. Has a floor area of not less than 70 square feet as measured within the area having a wall height of 5 feet or more;
 - iii. Atria, open wells, and other vertical open spaces, where floor area shall be calculated by multiplying the floor level area of such space by a factor equal to the average height in feet divided by 10;
 - iv. Enclosed porches;
 - v. Attached garages;
 - vi. Detached garages and any space above the first story of a detached garage that has a ceiling height of 7 feet or greater;
 - vii. Other detached accessory buildings, such as sheds or cabanas, except as exempted in paragraph b. below;
 - viii. A portion of mass below the first story, to be calculated using the formula in paragraph D. below; and
 - b. Gross floor area shall not include:
 - i. Unenclosed porches;
 - ii. Doorway vestibules up to a maximum floor area of 24 square feet;
 - iii. Exterior insulation added to an existing a building, in which case gross floor area shall be taken from the exterior face of the structural wall;
 - iv. Carports; and
 - v. detached accessory building equal to or less than 120 square feet in size.

8.3. Defined Terms

Exterior Insulation. Insulation that is installed on the exterior face of the exterior structural wall of the building so as to allow for continuous insulation on the building exterior with the intention of reducing thermal bridging and improving the energy efficiency of the building.

Exterior Window Shades. Non-habitable architectural features attached to a building above windows individually so as to reduce the amount of sunlight entering the window.

Heat Pump Compressor. A device that serves as a heating and/or cooling system for a building by transferring heat energy into a building to heat it and out of the building to cool it. The compressor is the external portion of this system.

1.5. Rules of Measurement

1.5.3. Setback

- A. **Defined.** A line equidistant from the lot line which establishes the nearest point to the lot line at which the nearest point of a structure may be erected. In the case of a corner lot, the rear lot line shall be the lot line opposite the street on which the main entrance is located.
- B. No building need be set back more than the average of the setbacks of the buildings on the nearest lot on either side, a vacant lot or a lot occupied by a building set back more than the required distance for its district to be counted as though occupied by a building set back such required distance. Averaging applies only to the front setback. In no case shall any part of a building in a residence district extend nearer the street line than 10 feet.
- C. Distances shall be measured from the lot lines to the nearest portion of the structure.
- D. The following structures may project into the setback:
 - 1. Steps, landings and bulkheads;
 - 2. Heat pump compressors, provided that if any portion of the heat pump compressor is located within the setback, the heat pump compressor may not be located more than 5 feet from the exterior wall of the primary structure;
 - 3. Exterior insulation up to 8 inches;
 - 4. Doorway vestibules up to 4 feet with a width no greater than 6 feet, provided a minimum setback of 5 feet is maintained;
 - 5. Cornices, exterior window shades and ornamental features up to 2 feet;
 - 6. Roof overhangs and gutters up to 3 feet.

1.5.4. Height

- A. **Defined:**
 - 1. The vertical distance between the elevations of the average grade plane and the highest point of the roof. Not included in such measurements are:
 - a. Cornices which do not extend more than 5 feet above the roof line;
 - b. Chimneys, vents, ventilators and enclosures for machinery of elevators which do not exceed 15 feet in height above the roof line;
 - c. Enclosures for tanks which do not exceed 20 feet in height above the roof line and do not exceed in aggregate area 10 percent of the area of the roof;
 - d. Solar panels which do not extend more than 1 foot above the ridgeline or in the case of a flat roof, no more than 4 feet above the parapet, unless greater extensions are allowed by special permit; and
 - e. Towers, spires, domes and ornamental features.

1.5.5. Floor Area

A. Floor Area Ratio.

1. The gross floor area of all buildings on the lot divided by the total lot area.
2. FAR tables can be found in Sec. 3.1.9 and Sec. 3.2.11.

B. Floor Area, Gross.

1. **Residential Districts.** The sum of the floor area of all principal and accessory buildings whether or not habitable shall be taken from the exterior face of the exterior walls of each building without deduction for garage space, hallways, stairs, closets, thickness of walls, columns, atria, open wells and other vertical open spaces, or other features as defined in this Sec. 1.5.5, as defined below:
 - a. Gross floor area shall include:
 - i. First and second stories;
 - ii. Any floor area above the second story, whether finished or unfinished, that meets all of the following criteria:
 - a. It lies below the area of a horizontal plane that is 5 feet above it and which touches the side walls and/or the underside of the roof rafters;
 - b. Is at least 7 feet in any horizontal dimension, as measured within the area having a wall height of 5 feet or more;
 - c. Has a minimum ceiling height of 7 feet on at least 50 percent of its required floor area; and
 - d. Has a floor area of not less than 70 square feet as measured within the area having a wall height of 5 feet or more;
 - iii. Atria, open wells, and other vertical open spaces, where floor area shall be calculated by multiplying the floor level area of such space by a factor equal to the average height in feet divided by 10;
 - iv. Enclosed porches;
 - v. Attached garages;
 - vi. Detached garages and any space above the first story of a detached garage that has a ceiling height of 7 feet or greater;
 - vii. Other detached accessory buildings, such as sheds or cabanas, except as exempted in paragraph b. below;
 - viii. A portion of mass below the first story, to be calculated using the formula in paragraph D. below; and
 - b. Gross floor area shall not include:
 - i. Unenclosed porches;
 - ii. Doorway vestibules up to a maximum floor area of 24 square feet;
 - iii. Exterior insulation added to a building, in which case gross floor area shall be taken from the exterior face of the structural wall;
 - iv. Carports; and
 - v. detached accessory building equal to or less than 120 square feet in size.

8.3. Defined Terms

Exterior Insulation: Insulation that is installed on the exterior face of the structural wall of the building so as to allow for continuous insulation on the building exterior with the intention of reducing thermal bridging and improving the energy efficiency of the building.

Exterior Window Shades: Non-habitable architectural features attached to a building above windows individually so as to reduce the amount of sunlight entering the window.

Heat Pump Compressor: A device that serves as a heating and/or cooling system for a building by transferring heat energy into a building to heat it and out of the building to cool it. The compressor is the external portion of this system.



Ruthanne Fuller
Mayor

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#363-19

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: December 6, 2019

TO: Councilor Susan Albright, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director of Planning & Development
Zachery LeMel, Chief of Long Range Planning

RE: **#363-19 Amendment(s) to Chapter 30 relative to building efficiencies**
DIRECTOR OF PLANNING & CO-DIRECTORS OF SUSTAINABILITY requesting discussion and adoption of amendments to Chapter 30, the Newton Zoning Ordinance to create exemptions to building envelope standards such as height and setback to facilitate the implementation of energy efficiency and alternative energy measures in buildings including external insulation, doorway vestibules, heat pumps, and solar panels among other features.

MEETING: December 11, 2019

CC: Planning Board
Ann Berwick, Co-Director of Sustainability
William Ferguson, Co-Director of Sustainability
John Lojek, Commissioner of Inspectional Services
Alissa O. Giuliani, City Solicitor
Jonathan Yeo, Chief Operating Officer

In the previous ZAP meeting on November 25th, 2019 The Planning Department presented the updated draft zoning, Amendments to Chapter 30 relative to building efficiencies (#363-19). ZAP provided general approval for the revised language regarding solar panels (Sec. 1.5.4.A.d), while additional analysis was required for the language specific to allowable structures projecting into the setback (sec. 1.5.3.D).

Summary of Revisions

The updates to Section 1.5.3.D reduce barriers to installing energy efficient improvements by allowing such related structures to project into the setback. It should be noted that none of these structures amounts to any new habitable space, and as written should not contribute to a building that looks or feels substantially larger. These updates take into consideration the Committee comments as well as recommendations from Green Newton and building construction professionals.

Heat pump compressors (sec. 1.5.3.D.2)

According to the U.S. Dept. of Energy heat pumps can reduce electricity use for heating by approximately 50% compared to electric resistance heating. In addition, normal sound levels emitted from most heat pumps range between 40 and 50 decibels. That's less than a working dishwasher or a light rainfall. Finally, Staff believes further limiting heat pump compressors by requiring a minimum setback will make many installation infeasible, contradicting the stated goal of the relief. For these reasons Staff recommends maintaining the zoning text as written. This exemption does not supersede any requirements within a historic district.

Exterior insulation (sec. 1.5.3.D.3)

The current draft zoning text allows for up to 8 inches of exterior insulation to project into the setback, which Staff recommends maintaining. Speaking with building professionals associated with Green Newton, 8 inches allows for the necessary flexibility used for typical- and deep-energy retrofits, as well as new construction.

Doorway vestibules (sec. 1.5.3.D.4)

The Committee had a general concern with the placement of vestibules where development is close together and yard setbacks are already limited, particularly with side yards. To address this Staff recommends to update the zoning text to read, "Doorway vestibules up to 4 feet with a width no greater than 6 feet, provided a minimum setback of 5 feet is maintained;"

Roof overhangs (sec. 1.5.3.D.6)

After speaking with building construction professionals Staff found a conflict between sec. 1.5.3.D.5 and sec. 1.5.3.D.6. As written gutters can project 2 feet into the setback, while roof overhangs can project 3 feet. Standard design practice places the gutter at the end of the roof overhang. Because of this, staff recommends including gutters with roof overhangs as allowed to project up to 3 feet in the setback.

Gross floor area exemption (sec. 1.5.5.B.1.b.iii)

Previously the zoning text exempted "Exterior insulation added to an existing building." The Legal Dept. expressed concern for repercussions related to not defining "existing building" in this context. Therefore Staff has updated the text as follows, "Exterior insulation added to a building, in which case gross floor area shall be taken from the exterior face of the structural wall;"

Next Steps

Staff recommends the Committee approve amendment #363-19 on December 9th.

Attachments

Attachment A – Section 1.5 Rules of Measurements

1.5. Rules of Measurement

1.5.3. Setback

- A. **Defined.** A line equidistant from the lot line which establishes the nearest point to the lot line at which the nearest point of a structure may be erected. In the case of a corner lot, the rear lot line shall be the lot line opposite the street on which the main entrance is located.
- B. No building need be set back more than the average of the setbacks of the buildings on the nearest lot on either side, a vacant lot or a lot occupied by a building set back more than the required distance for its district to be counted as though occupied by a building set back such required distance. Averaging applies only to the front setback. In no case shall any part of a building in a residence district extend nearer the street line than 10 feet.
- C. Distances shall be measured from the lot lines to the nearest portion of the structure, ~~including outside vestibule or porch.~~
- D. The following structures may project into the setback:
 - 1. Steps, landings and bulkheads; ~~may project into the setback.~~
 - 2. Heat pump compressors;
 - 3. Exterior insulation may project up to 8 inches;
 - 4. Doorway vestibules may project up to 4 feet with a width no greater than 6 feet;
 - 5. ~~Gutters, cornices~~Cornices, projecting eaves exterior window shades and ornamental features ~~may project up to 2 feet; and into the setback.~~
 - 6. Roof overhangs and gutters may project up to 3 feet.

1.5.4. Height

- A. **Defined:**
 - 1. The vertical distance between the elevations of the average grade plane and the highest point of the roof. Not included in such measurements are:
 - a. Cornices which do not extend more than 5 feet above the roof line;
 - b. Chimneys, vents, ventilators and enclosures for machinery of elevators which do not exceed 15 feet in height above the roof line;
 - c. Enclosures for tanks which do not exceed 20 feet in height above the roof line and do not exceed in aggregate area 10 percent of the area of the roof;
 - d. Solar panels which do not extend more than ~~1 foot~~4 feet above the ridgeline or in the case of a flat roof, no more than 4 feet above the parapet, unless greater extensions are allowed by special permit; and
 - e. Towers, spires, domes and ornamental features.

1.5.5. Floor Area

- A. Floor Area Ratio.

1. The gross floor area of all buildings on the lot divided by the total lot area.
2. FAR tables can be found in Sec. 3.1.9 and Sec. 3.2.11.

B. Floor Area, Gross.

1. **Residential Districts.** The sum of the floor area of all principal and accessory buildings whether or not habitable shall be taken from the exterior face of the exterior walls of each building without deduction for garage space, hallways, stairs, closets, thickness of walls, columns, atria, open wells and other vertical open spaces, or other features as defined in this Sec. 1.5.5, as defined below:
 - a. Gross floor area shall include:
 - i. First and second stories;
 - ii. Any floor area above the second story, whether finished or unfinished, that meets all of the following criteria:
 - a. It lies below the area of a horizontal plane that is 5 feet above it and which touches the side walls and/or the underside of the roof rafters;
 - b. Is at least 7 feet in any horizontal dimension, as measured within the area having a wall height of 5 feet or more;
 - c. Has a minimum ceiling height of 7 feet on at least 50 percent of its required floor area; and
 - d. Has a floor area of not less than 70 square feet as measured within the area having a wall height of 5 feet or more;
 - iii. Atria, open wells, and other vertical open spaces, where floor area shall be calculated by multiplying the floor level area of such space by a factor equal to the average height in feet divided by 10;
 - iv. Enclosed porches;
 - v. Attached garages;
 - vi. Detached garages and any space above the first story of a detached garage that has a ceiling height of 7 feet or greater;
 - vii. Other detached accessory buildings, such as sheds or cabanas, except as exempted in paragraph b. below;
 - viii. A portion of mass below the first story, to be calculated using the formula in paragraph D. below; and
 - b. Gross floor area shall not include:
 - i. Unenclosed porches;
 - ii. Doorway vestibules up to a maximum floor area of 24 square feet;
 - iii. Exterior insulation added to an existing a building, in which case gross floor area shall be taken from the exterior face of the structural wall;
 - iv. Carports; and
 - v. detached accessory building equal to or less than 120 square feet in size.

8.3. Defined Terms

Exterior Insulation. Insulation that is installed on the exterior face of ~~to the exterior structural wall of the~~ building so as to allow for continuous insulation on the building exterior with the intention of reducing thermal bridging and improving the energy efficiency of the building.

Exterior Window Shades. Non-habitable architectural features attached to a building above windows individually so as to reduce the amount of sunlight entering the window.

Heat Pump Compressor. A device that serves as a heating and/or cooling system for a building by transferring heat energy into a building to heat it and out of the building to cool it. The compressor is the external portion of this system.

RECEIVED
Newton City Clerk

Memorandum

2019 DEC 11 PM 3:37

To: Councilor Susan Albright

From: Councilor Lisle Baker

Subject: Washington Street Vision Plan – Possible clarifying amendments

Date: December 1, 2019

Cc: President Laredo, Vice-President Kalis, Councilor Norton

David A. Olson, CMC
Newton, MA 02459

Along with others, I appreciate your holding the Plan until we could get a copy to review. While the Plan references only one part of the City, some of its recommendations may be urged elsewhere, notwithstanding your general sense that each Village is different. Therefore, if we can clarify some aspects of the Plan at this stage it would make sense, at least to me.

As we discussed earlier tonight, I outline these below, and if you concur, perhaps we could have a version of the proposed changes available tomorrow evening so you might be able to poll the Committee to see if they would be acceptable. If not, then we can try these on second call as floor amendments.

The key issues for me are to have the development absorb its parking, so that does not spill into the neighborhoods; keep Washington Street accessible to neighborhood and through traffic that the new development will generate; and maintain a scale of building heights that preserve the dominantly residential character of the neighborhoods and village scale of the core village areas. My sense is that all of these objectives are inherent in good planning, but the text and illustrations in the Plan are not yet in line with those objectives, at least as I read them, as there are some inconsistencies within the Plan or with the Climate Plan we have adopted.

With that background, here are the recommended clarifications, which I am also sharing with President Laredo so he will be aware, as well as Councilors Kalis and Norton who had expressed concerns about some of the same aspects of the Plan.

1. Clarify where taller structures are warranted.

Building height has been one of the most contentious issues, as we know. While we voted for a limit of up to 6 stories in Committee, a re-reading of the Plan indicates that is not the general intent. For example, on p. 83, the Plan text states that “newly created taller buildings would mark arrival at the edges of each village and village core areas would be kept relatively low....” On the other hand, the Map on pages 84 and 85 has substantial areas which are designated for up to 6 stories east and west of West Newton square and almost all the northern side of Washington Street from Lewis Terrace to Lowell Avenue, as well as south of the Turnpike on both sides of Austin Street. (I recognize that some of these “blue” zones are already developed with the Austin Street and Walnut Street projects but others are not yet.) Also, a 6-story building which is all residential is likely to be a lower rise structure than one with commercial space as the Plan anticipates a much taller “story” where commercial space is involved.

Also, the same map designates “low heights” as 1-3 stories for areas which appear to be residential. I checked our zoning ordinance, however, and all residential zones currently have a height limit of 2.5 stories as of right, and up to three only by special permit. I do not believe that we want to leave the impression that three stories should be the new normal in the Washington Street Plan area.

As a result, I recommend amending the Plan language on page 87 to add the following sentence at the end of the first paragraph in the second column, though there may be other ways to accomplish the same objective:

“For example, the maximum allowable height of up to 6 stories in parcels, such as gateway parcels, as indicated on page 83, and lesser heights as low as 3 stories in other parcels, as generally shown on the “Medium Height” blue areas on pages 85 and 86, will assure that taller buildings will be the exception and not the rule in the Washington Street Corridor, and then only if they are stepped down as the buildings approach a residential area. In addition, where commercial uses are involved, as those stories are taller, such buildings should be limited to 5 stories in height. Also, while the Maps on page 84 and 85 indicate that “low heights – neighborhood character” indicate a range between 1 and 3 stories, current zoning allows only 2.5 stories as of right, implying that up to three stories in a residential area would require a special permit.”

2. Clarify Parking objectives.

Also, while the preferred option is to have parking in the rear of stores, not all stores will have easy rear entrances. Some short-term parking in front of stores, especially if well-managed to assure turnover, may be needed for commercial success, just as it has been at Chestnut Hill Square and The Street. Also, I do not feel it is wise to eliminate parking minimums altogether as parking incident to new construction may simply go around the corner to park on neighborhood streets. As a result, I recommend amending the sentence on page 47 to read

“Newton should consider reducing or eliminating the parking minimum requirement.”

This change would be consistent with the Climate Action Plan we adopted as reduction as well as elimination is to be considered.

3. Clarify Washington Street as a Boulevard with other objectives than only a two-lane road may accommodate.

The Plan has a proposal on page 30 to change Washington Street to a Boulevard of two lanes while adding much new development opportunity along the Street Corridor. At the same time on page 45, there is a need to accommodate “quick access curbside uses - loading areas for delivery vehicles, passenger pickup/drop-off locations, and 15-minute quick visit parking that is need for some businesses like dry-cleaners and take out restaurants. If not actively incorporated in curbside management/parking plans, these vehicles are likely to double park and can cause backups in traffic and safety hazards for all involved.”

How these can be accommodated in the boulevard plan is not clear. I therefore recommend that on page 30, add at the end of the second column the following sentence:

At the same time, such a boulevard design also has to provide opportunities for short-term parking, drop off/pick up, and deliveries, as well as local and through traffic generated by new development anticipated in the Plan.

*

Please let me know if you have any questions, and how you would like to proceed tomorrow evening, as I assume that we would all like to get this task done and move on.

Lenny Gentile

From: Lenny Gentile
Sent: Monday, December 2, 2019 11:04 AM
To: David A. Olson

First 8

Pg. 70 after Captain Ryan Park in west newton insert , should remain as open space, and improvements made to make it a more vibrant community space.

Pg. 47 strike remove minimum parking requirement

PG. 90 strike reference to height/floor area bonus everything from An added tool ... on

Pg 76 Mass Pike air rights and decking over the Pike strike the entire page

Pg 85 strike medium heights – village character 3 to 6 stories

Pg 87 replace 6 stories with 4 stories

Pg 87 at the end of the second paragraph add any proposal over 20,000 sq ft shall require a special permit

Pg 55 at the end of the paragraph add a new sentence In addition the City of Newton should encourage and support diverse and affordable housing throughout all the Villages of the City with emphasis on those areas with a low percentage of affordable housing for low-moderate income households.



Lenny Gentile | Producing Branch Manager

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| F: 617-209-7613

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RECEIVED
Newton City Clerk
2019 DEC 11 PM 2:48
David A. Olson, CMC
Newton, MA 02459

*P.S The map that shows proposed bike lanes
could we get the streets labeled.*

165-19

RECEIVED
Newton City Clerk

2019 DEC 11 PM 3:47

David A. Olson, CMC
Newton, MA 02459

----- Forwarded message -----

From: Emily Norton <[REDACTED]>

Date: Sun, Dec 1, 2019 at 11:00 PM

Subject: My suggested changes to Washington St vision

To: Susan Albright <salbright@newtonma.gov>

Cc: Emily Norton <enorton@newtonma.gov>, Marc C. Laredo <mlaredo@newtonma.gov>, David Kalis <dkalis@newtonma.gov>, R. Lisle Baker <lbaker@newtonma.gov>

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

Susan - I have the below suggested changes, which I think are pretty noncontroversial. Most of the document I think is terrific, and I can tell they took many of my suggestions which I really appreciate. So if these changes can be made tomorrow morning before our meeting that would be great, or I can offer them as amendments on the floor.

My comments on Washington Street Vision document:

<http://www.newtonma.gov/civicaX/filebank/documents/100338>

Several misspellings:

“characteritics”

“neighbohrood

“Comuter” (2X)

historicly

HEIGHT

Document says “...support more office and lab space development opportunities at the village center edges.” and offers Crafts St & Washington as an example. Yet on the map, blue “Medium Heights - Village Character (3 to 6 stories)” goes all the way from Lewis Terrace to Lowell Ave. So if the goal is to guide the zoning and then give clear direction to developers, this map does not jive with limiting the largest buildings to “village center edges” or with this statement: “Among these should be the idea that the tallest buildings should be used sparingly along the corridor, marking significant locations and otherwise used to advance public purposes.” If we really want the tallest buildings used “sparingly” then let’s specify exactly where that is (ie Washington & Crafts).

“The new plaza at Austin Street will add another community space for slightly larger events.” I would remove this or add “assuming the City and business owners can come to an agreement on closing Bram Way to through traffic” because otherwise the statement is not true--the plaza on the developer's property is quite small.

Add the highlighted: “Smaller units can additionally address the city’s needs for a greater housing diversity, and by virtue of their size, even the market rates units will be more affordable.”

Add the highlighted [see attd photo for example from Highland Ave]: “A distinguishing characteristic of both West Newton and Newtonville is that the buildings in these villages developed incrementally over time and are therefore distinctive from each other, varying in height, width, materials, and other aspects of their design. These building patterns are another essential feature that defines the unique sense of place of Newton. The vision recommends that zoning for Washington Street require that new development reinforce these building patterns. In particular, where a larger new development is proposed that might include multiple buildings or stretch over an entire block, that such a development reinforce the idea of multiple buildings with varying heights, materials, and other design distinctiveness. In addition many of the most iconic buildings are historic, so ideally some of the new development will draw upon historic elements.

On page 53 after “support the goal for diversity in housing.”... insert “We should also ensure that new housing projects offer the opportunity for home ownership and not only rental.”

Add highlighted on p. 13:

Strengthen the Village Business Climate & Newton’s Fiscal Health

Newton’s villages are significant centers of economic activity in the City and in many respects Newton has a strong local economy. There are also aspects of the Newton economy that recommend active investment in supporting economic growth. Newton is a jobs center, with more workers commuting into Newton each day than residents commuting out. Additionally, Newton is an attractive place to locate new jobs: job growth in Newton outpaced the Boston regional average for the 10-years between 2007 and 2017 (14% vs. 9% growth over 10-years). The villages of Newtonville and West Newton both represent opportunities to strengthen and expand the local economy relying on the unique business mix and the competitive advantages of walkable and transit served mixed-use villages. Growth, focussed on serving local needs and building on existing strengths, can support a stronger commercial tax base which can reduce the share of taxes paid by residents, as well as help Newton address its existing \$1B unfunded liability in pensions and retiree health care.

When responding, please be aware that the Massachusetts Secretary of State has determined that most email is public record and therefore cannot be kept confidential.

--

Susan Albright
Councillor-at-Large Ward 2
Newton City Council

From: Christopher J. Markiewicz <cmarkiewicz@newtonma.gov>
Sent: Monday, December 09, 2019 11:07 AM
To: Barney Heath <bheath@newtonma.gov>
Cc: Susan Albright <salbright@newtonma.gov>; Jennifer Caira <jcaira@newtonma.gov>; Andrea W. Kelley <akelley@newtonma.gov>; Leonard J. Gentile <lgentile@newtonma.gov>
Subject: Washington St Vision

Barney et al:

My final list of edits which may be amendments:

* The map that now shows detail of Webster st includes shading which indicates that the 3-6 stories would be applicable to a portion of Webster St. I would like to see this removed as you now would have the potential for a 6 story building across the street from a single family home(s). Easiest way to do this is to eliminate anything west of the streets that provide access to the T parking lot. The whole Border St area is not Washington St so reducing that further makes sense to me. The parking lot is the parking lot, but there is housing right up against Border st and I think this is a different area for zoning.

* Page six of the 11.15 draft should reference the survey conducted by the Newtonville Area Council. This survey may be referenced in subsequent discussions about zoning the area. The survey is valid and relevant to any future discussions

* Page 76 of the 11.15 draft suggests investigating decking over the Mass Pike. This will be more controversial than most of the ideas here. The likely cost of such a project(s) would cause compensatory actions well beyond what is discussed elsewhere in the document. I suggest it be removed or offered as an aside in other parts of the document, but without any suggestion that action should be taken to pursue that type of construction.

Thank you for reading these points.

Regards,

Chris

When responding, please be aware that the Massachusetts Secretary of State has determined that most email is public record and therefore cannot be kept confidential.

--

Susan Albright
Councilor-at-Large Ward 2
Newton City Council



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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Barney S. Heath
Director

MEMORANDUM

DATE: December 6, 2019

TO: Councilor Susan Albright, Chair
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director of Planning & Development
Jennifer Caira, Deputy Director of Planning & Development
Zachery LeMel, Chief of Long Range Planning

MEETING DATE: December 11, 2019

SUBJECT: **#165-19 Washington Street Comprehensive Plan Amendment**

CC: Planning & Development Board
City Council

Following the release of the final draft of the Washington Street Vision Plan on November 15, Staff received comments about the draft from City Council. Attached is a change log (Attachment A) outlining the suggested changes, including a new height diagram (Attachment B), and updated bicycle facilities map (Attachment C). The general concerns are listed below along with Staff responses. Finally, spelling mistakes were pointed out and Staff made the necessary corrections.

General Concerns and Response

Height

Concerns were raised regarding the maximum height of 6 stories as well as location and number of areas identified as medium height (3 to 6 stories) and whether the maximum 6 stories would be permitted in all of these areas. The current draft of the Plan includes a Height Principles Diagram, which includes three different sets of height ranges: low heights – neighborhood character (1 to 3 stories); low heights – village character (1 to 4 stories); and medium heights – village character (3 to 6 stories). Voted on by the committee previously, these height ranges represent a reduction in height as proposed in previous drafts where up to 10 stories was proposed as of right. This draft

does not specify any height as-of-right or by special permit, rather the heights are an illustration of principles and only represent a range of heights that may be appropriate, subject to further detailed analysis. For example, single residence zones today allow 2.5 stories by-right and 3 stories by Special Permit. The low heights – neighborhood character areas in the Vision Plan include a range of 1 to 3 stories. This is consistent with existing zoning and the Washington Street zoning will need to set the thresholds for by-right and Special Permit heights. The principles also include varying heights within a block, and requiring setbacks on taller buildings, all of which will need to be further analyzed for inclusion in zoning regulations and will limit the number of buildings built to the 6 story maximum. Methods for measuring overall heights, acknowledging the different floor-to-floor heights typically found in residential and commercial buildings, will also need to be determined as part of the zoning. Working with the City Council further nuance will be developed in the Washington Street Zoning and how these taller buildings may require additional review, community input, and a Special Permit Process.

Parking

Concerns were raised regarding statements in the Vision Plan about the consideration to eliminate parking minimums as part of the zoning. The City understands that parking is often necessary to ensure commercial success. Knowing this, while remaining consistent with the goals set forth in the Climate Action Plan, Staff recommends considering the reduction or elimination of the parking minimum requirement, not an outright elimination (see Attachment A). The Washington Street Zoning to follow will focus on parking requirements in much greater detail.

Housing Affordability/Diversity

Comments received included pointing out that smaller units are likely more affordable, even at market rates, and that we should ensure that new housing projects offer the opportunity for home ownership in addition to rental. The City is committed to supporting the development of a diverse housing stock to serve the community's diverse population. Along Washington Street this not only means a variety of housing sizes and affordability levels, but also a mix of homeownership opportunities as well as rentals and recommended text edits are shown in Attachment A.

Historical Context/Sensitivity

A comment was received recommending that some of the new developments drawn upon the historic elements found in many of the iconic buildings. The City of Newton benefits from a variety of buildings developed incrementally over time. These buildings are distinct from each other and work together to form a pattern that defines the unique sense of place of Newton. Likewise, Washington Street will be redeveloped overtime and the future zoning that comes out of this planning process will guide development to compliment the iconic historic buildings throughout the City, especially within the village cores (see recommended text edits in Attachment A). Finally, the Plan outlines that building heights will vary along any given block to maintain the sense of buildings having developed incrementally over time.

An additional comment was received recommending the section on exploring a height and/or floor area bonus when a historic structure has been preserved be struck entirely. The Vision Plan itself

does not convey any new development rights without corresponding zoning and Planning staff believes this is an important tool to continue to explore as part of zoning.

Mass Pike Air Rights

A comment was received recommending the section on Mass Pike air rights and decking over the pike be removed entirely. While the reduction in maximum heights make it unlikely that developers would consider decking over the Pike, this is also something that can continue to be explored to determine the viability and desirability of this sort of development.

Street Redesign

Reconfiguring Washington Street as a boulevard is one way to make the street function better and safer for all users. Numerous examples of boulevard designs from around the world can be found in Allan Jacobs classic text, *Great Streets*, and can all be used as case studies for Washington Street. A comment was received recommending that the text be more explicit that the boulevard design will need to provide opportunities for pick up/drop off, deliveries, and other quick access along the curbside. In the next phase of this effort the City will explore in much greater detail if, and how, a boulevard design for Washington Street can work not only for increased safety, but also increased functionality as it relates to curbside uses and beyond (see recommended text edits in Attachment A).

Miscellaneous

Additional comments were received that recommended the Vision Plan explicitly state that projects over 20,000 square feet require a Special Permit, that it should be specified that the Austin Street plaza requires an agreement on closing Bram Way, and that text regarding strengthening the local economy be tied to addressing pensions and retiree health care. While these are all valid points, Planning staff do not believe they need to be stated explicitly in the Vision Plan, which is meant as a more general, guiding document. The zoning for Washington Street will determine thresholds for Special Permits. Bram Way can still be closed occasionally for Special Events without the need to amend the easement. And strengthening the local economy and increasing the tax base is important for many reasons.

Height Map (pg. 84-85)

Numerous iterations of the height map within the Plan has led to the current version. It must be noted the height map is an illustration, not a regulatory zoning map. Updates to the current version include the additional labeling of streets and the reduction of the westernmost portion of the study area from “medium height” to “low height – neighborhood character”.

Bicycle Facilities Map (pg. 37)

The existing bicycle facilities map shows existing and proposed bike lanes, but is not clear because it is missing street names. Street names have been added along the highlighted existing and proposed bike lanes.

Attachments

Attachment A – Suggested Change Log

Attachment B – Height Map (pg. 84-85)

Attachment C – Bicycle Facilities Map (pg. 37)

Next Steps

Staff recommends the committee approve amendment #165-19 so it can be taken up by the full City Council on December 16, 2019.

Attachment A – Suggested Change Log

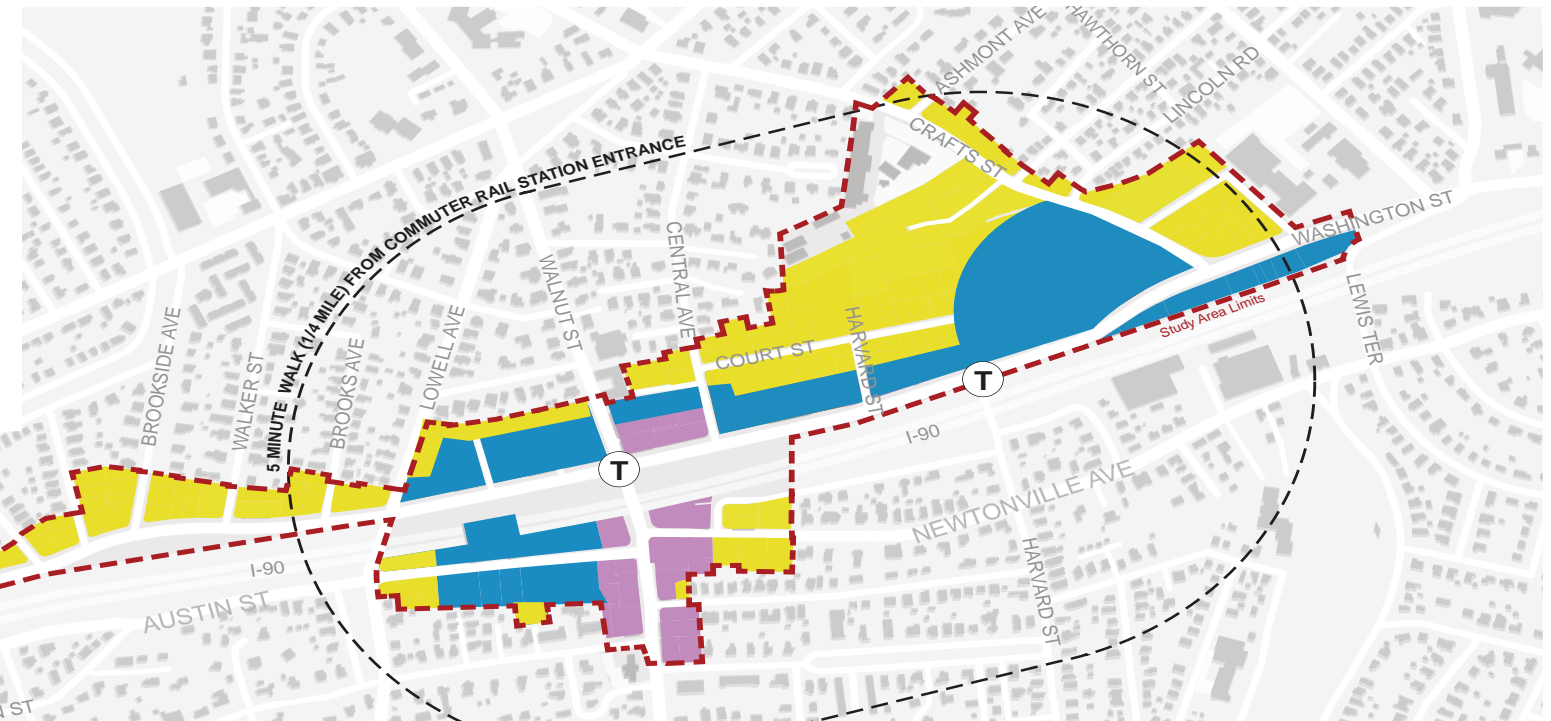
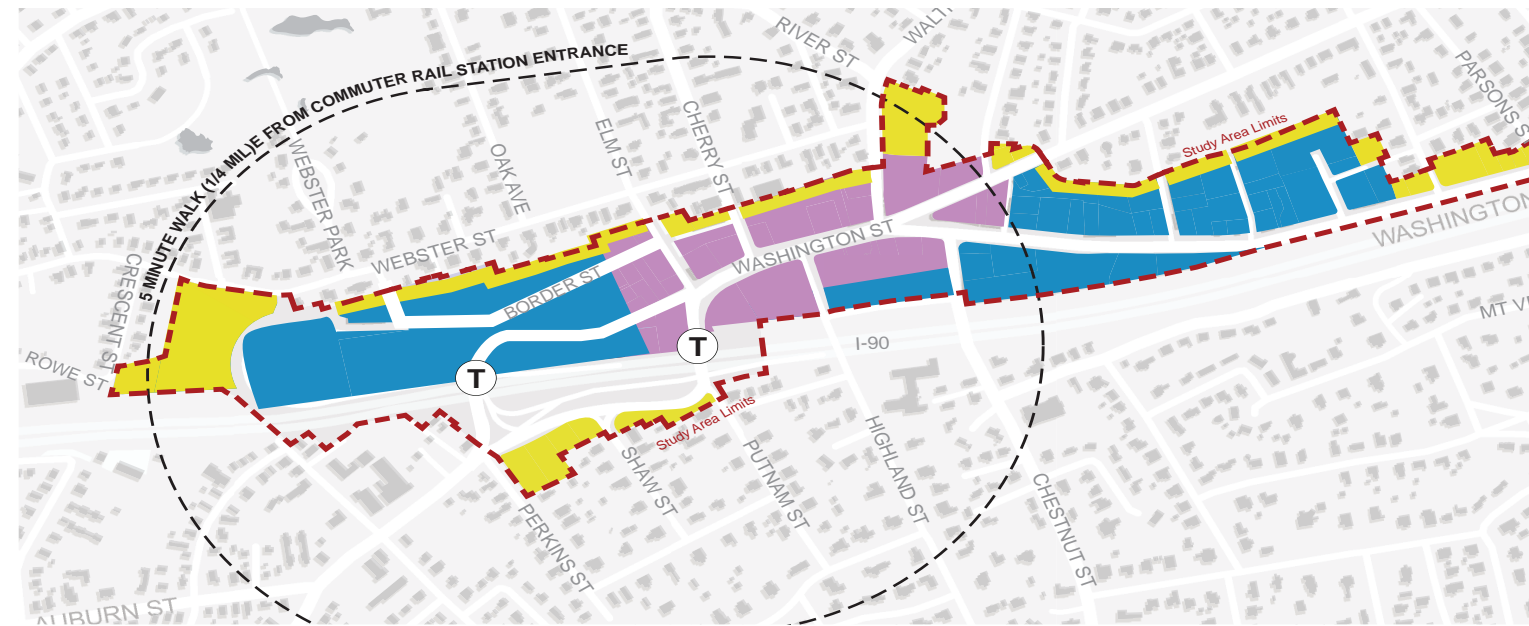
Pg.	Existing	Proposed
30	...and additional spaces on the edges for bikeways and parking.	...and additional spaces on the edges for bikeways and parking. At the same time, such a boulevard design also has to provide opportunities for short-term parking, drop off/pick up, and deliveries.
47	Newton should consider removing the minimum parking requirement entirely.	Newton should consider reducing or eliminating the parking minimum requirement.
53	New zoning for Washington Street can ensure that the building types allowed in each portion of the corridor are contextually appropriate and support the goal for diversity in housing.	New zoning for Washington Street can ensure that the building types allowed in each portion of the corridor are contextually appropriate and support the goal for diversity in housing, including ownership and rental products as appropriate.
55	...diverse and affordable housing throughout the Washington Street area to maintain economic diversity in these neighborhoods.	...diverse and affordable housing throughout the Washington Street area to maintain economic diversity in these neighborhoods. In addition the City of Newton should encourage and support diverse and affordable housing throughout all the Villages of the City.
63	Smaller units can additionally address the city's needs for a greater housing diversity.	Smaller units can additionally address the city's needs for a greater housing diversity, and by virtue of their size, even market rate units may be more affordable.
70	Captain Ryan Park in West Newton could be redeveloped as a more vibrant community space.	Captain Ryan Park in West Newton should remain as open space and improvements should be made to make it a more vibrant community space.
86	...buildings with varying heights, materials, and other design distinctiveness.	...buildings with varying heights, materials, and other design distinctiveness. In addition many of the most iconic buildings are historic, meaning new development may want to draw upon such historic elements.

Area-wide Planning Principles

Height Principles Diagram

This diagram illustrates the height principles along Washington Street. The height ranges shown correspond to the area-wide planning principles:

- Maintaining the lower height neighborhood between West Newton and Newtonville.
- Ensure heights vary along any given block so as to maintain the sense of buildings having developed incrementally over time.
- Maintaining the prominence of historic iconic buildings in the village cores.
- Creating moments of arrival and transition at the edges of the villages.
- Ensure buildings respond to human-scale throughout the area including upper story setbacks on taller buildings.



- Low Heights - Neighborhood Character (1 to 3 stories)
- Low Heights - Village Character (1 to 4 stories)
- Medium Heights - Village Character (3 to 6 stories)

Footnotes:

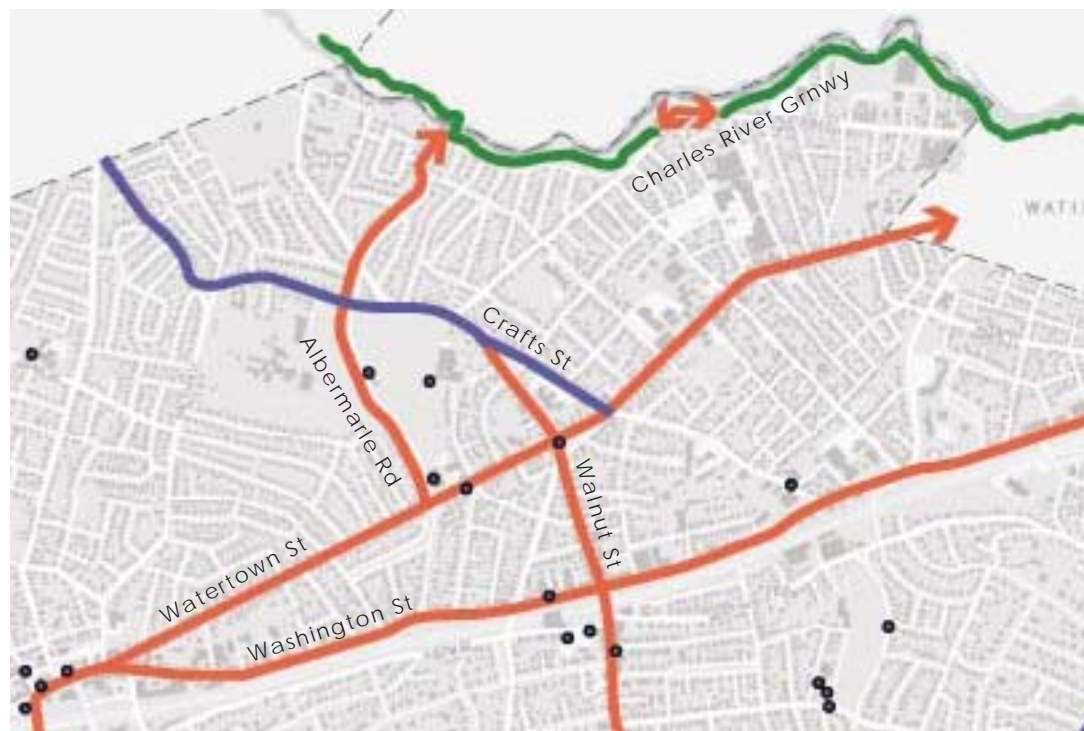
- This is an illustration of principles only; this is not a regulatory or zoning map.
- Further nuance must be developed in Washington Street Zoning including specifying the limits of each zoning district and the rules for each district and building type.
- The scale of some buildings, including taller height buildings, will require additional review and community input as can be achieved through the Special Permit Process.

Connect Washington Street to the Charles River Greenway





The Charles River Greenway is a key link in the regional commuter and recreational biking and walking network connecting to Waltham Center, Watertown Square, the Arsenal Mall in Watertown, and ultimately into Boston and Cambridge.

Improved bicycle connections northward to the Charles River Greenway should be considered at the following locations:

- between Washington Street and Albemarle Rd (with bicyclists then following Albemarle Rd to the Greenway and the Greenway Bridge)
- along Watertown St from West Newton Square to Nonantum and then to the Greenway connection in Watertown Yard
- on Crafts St and North St to the Greenway connection



Bicycle Facilities

- Existing Bike Rack 
- Existing Bike Path 
- Existing Bike Lane 
- Proposed Bike Lane 



Ruthanne Fuller
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Barney S. Heath
Director

MEMORANDUM

DATE: December 12, 2019

TO: City Council

FROM: Barney Heath, Director of Planning & Development
Jennifer Caira, Deputy Director of Planning & Development
Zachery LeMel, Chief of Long-Range Planning

MEETING DATE: December 16, 2019

SUBJECT: **#165-19 Washington Street Comprehensive Plan Amendment**

Following the release of the latest draft of the Washington Street Vision Plan on November 15, City Council sent the Plan back to Committee where additional comments were received. On December 11th the Committee voted to approve the Plan with amendments. Those amendments are reflected in the attached change log (Attachment A) as well as incorporated in the updated Plan dated December 12, 2019 that is now posted on the City's website. Finally, spelling mistakes and grammatical errors were pointed out and Staff made the necessary corrections.

Here is a link of the current (12/12/19) version of the Washington Street Vision Plan with all of the changes incorporated: <http://www.newtonma.gov/civicax/filebank/documents/100532>

Attachments

Attachment A – Change Log

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Pg.	Existing	Proposed
30	...and additional spaces on the edges for bikeways and parking.	...and additional spaces on the edges for bikeways and parking. At the same time, such a boulevard design must provide opportunities for short-term parking, drop off/pick up, and deliveries. A boulevard design should also accommodate increased demand on all modes of transportation generated from new development.
47	Newton should consider removing the minimum parking requirement entirely.	Newton should consider reducing or eliminating the parking minimum, while also considering a parking maximum.
51	Without multi-family housing options, the households that would choose to live in an apartment, most frequently down-sizing seniors and young professionals, do not have opportunities in the community. The lack of diversity then has compounding effects such as employers struggling to find employees and those they do find commuting long distances.	Without multi-family housing options, households that would choose to live in an apartment, most frequently down-sizing seniors and young professionals, would not find opportunities in the community. This lack of diversity then has compounding effects such as employers struggling to find employees, except those who must commute long distances.
52	Even still, there are many details to ensuring that a unit is accessible and age-friendly. The Newton Council on Aging has created a checklist with criteria to guide the development and renovation of age-friendly housing which often overlap with meeting the diverse needs of residents with disabilities and residents of all levels of physical ability.	To ensure that a unit is accessible and age-friendly, the Newton Council on Aging has created a checklist with criteria to guide the development and renovation of age-friendly housing. This often overlaps with meeting the diverse needs of residents with disabilities and residents of all levels of physical ability.
53	New zoning for Washington Street can ensure that the building types allowed in each portion of the corridor are contextually appropriate and support the goal for diversity in housing.	New zoning for Washington Street can ensure that the building types allowed in each portion of the corridor are contextually appropriate and support the goal for diversity in housing, including ownership and rental products as appropriate.
55	...diverse and affordable housing throughout the Washington Street area to maintain economic diversity in these neighborhoods.	...diverse and affordable housing throughout the Washington Street area to maintain economic diversity in these neighborhoods. In addition, the City of Newton should encourage and support diverse and affordable housing throughout all the Villages of the City.

Attachment A – Change Log

Pg.	Existing	Proposed
58	A home's location relative to transportation options guides what jobs are accessible and how a person is likely to commute to that job.	A home location relative to transportation options guides what jobs are accessible and how a person likely commutes to that job.
62	Two of the greatest areas of emissions, and therefore the most needed areas of change, are in buildings and transportation systems. Fundamentally, both need to move towards greater efficiency and reduced reliance on fossil fuels.	Two of the greatest sources of emissions, buildings and transportation systems, must fundamentally change to move towards greater efficiency and reduced reliance on fossil fuels.
63	Smaller units can additionally address the city's needs for a greater housing diversity.	Smaller units can address the city's needs for a greater housing diversity, and by virtue of their size, even market rate units may be more affordable.
70	Captain Ryan Park in West Newton could be redeveloped as a more vibrant community space.	Captain Ryan Park in West Newton should remain as open space and improvements should be made to make it a more vibrant community space.
73	Mitigate the Mass Pike's Effects	Mitigate Mass Pike Effects
85	<ul style="list-style-type: none"> • Maintaining the lower height neighborhood between West Newton and Newtonville. 	<ul style="list-style-type: none"> • Maintaining the lower height neighborhood between West Newton and Newtonville. • Maintain gentle transitions to adjacent neighborhoods by requiring height step downs on taller buildings
86	...buildings with varying heights, materials, and other design distinctiveness.	...buildings with varying heights, materials, and other design distinctiveness. In addition, many of the most iconic buildings are historic, meaning new development may want to draw upon such historic elements.
87	Therefore, the development project review process provided by the requirement of a special permit for any building that exceeds 3 stories in height is also important for realizing these same planning principles on individual sites.	Therefore, the development project review process provided by the requirement of a special permit for any building that exceeds 3 stories in height, or contains a gross floor area greater than 20,000, is also important for realizing these same planning principles on individual sites.